

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL NO.: 1:15-CR-03762-JCH

NAEL ALI,

Defendant.

**UNITED STATES' UNOPPOSED MOTION FOR ENTRY OF
ORDER OF FORFEITURE**

The United States respectfully moves this Court, pursuant to 21 U.S.C. § 853(a) and Fed. R. Crim. P. 32.2(b)(1) and (2), for entry of an order of forfeiture against Defendant Nael Ali in the amount of \$3,840.38, which represents net proceeds the Defendant obtained, directly or indirectly, as the result of violations of the Indian Arts and Craft Acts. Pursuant to Fed.R.Crim.P. 32.2(b)(4)(A), the order of forfeiture becomes final as to the Defendant at sentencing. The grounds for this motion are as follows:

1. Defendant pleaded guilty to Count two of the Information (Doc. 99). The Information charged that Nael Ali violated the Indian Arts and Crafts Act in violations of 18 U.S.C. § 1159 (Doc. 102, ¶ 3). Defendant Nael Ali agreed to imposition of a forfeiture money judgment against him for **\$3,840.38**, which represents a portion of the net profit derived from the Defendant as the result of the violations of the Indian Arts and Crafts Act as charged in Information.

2. The Court's authority to order forfeiture of property for offenses in violation of the Controlled Substances Act is found in 21 U.S.C. § 853(a), which provides for the criminal forfeiture of any property, constituting, or derived from, any proceeds the person

obtained, directly or indirectly, as the result of such violation and any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

3. The Defendant has dissipated the **\$3,840.38** in proceeds he obtained. Therefore, the United States requests that the Court permit the United States to seek, as a substitute asset pursuant to 21 U.S.C. § 853(p), forfeiture of any other property of the Defendant up to the value of **\$3,840.38**.

4. The United States further requests that the Court include the forfeiture when orally announcing the sentence and include the forfeiture order in the judgment as required by Fed. R. Crim. P. 32.2(b)(4)(B).

5. Counsel for the defendant does not oppose this motion.

WHEREFORE, the United States respectfully requests this Court enter an Order of Forfeiture against Defendant for **\$3,840.38**, which represents the proceeds Defendant obtained as the result of his violation[s] of the Controlled Substances Act, pursuant to 21 U.S.C. § 853(a)(1)(C) and Rules 32.2(b)(1) and (2) of the Federal Rules of Criminal Procedure.

Respectfully submitted,

JOHN C. ANDERSON
United States Attorney

Electronically filed July 27, 2018

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I HEREBY CERTIFY that I filed the foregoing electronically through the CM/ECF system, which caused counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/
STEPHEN R. KOTZ
Assistant U.S. Attorney